UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,057	07/31/2003	Hung The Dinh	AUS920030436US1	3504

34533 7590 08/24/2006

INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER
TRAN, QUOC A

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	10/631,057	DINH ET AL.	
	Examiner	**Art Unit**	
	Quoc A. Tran	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to RCE and Amendment filed 05/31/2006.

2. Claims 1-33 are currently pending in this application. Claims 1, 7, 12, 18, 23 and 29 are independent claims.

Response to Arguments

3. Applicants' arguments filed 05/31/2006 and 37 CFR § 1.131 of claim 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> ***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.***

5. **Claims 1-33** are rejected under 35 U.S.C. 103(a) as being unpatentable by Conboy et al, US US006363418B1 - issued 03/26/2002 (hereinafter Conboy), in view of Khosla et al. US006202061B1-issued 03/13/2001 (hereinafter Khosla), further in view of Prarulski et al. filed 04/11/2003 (hereinafter Prarulski).

In regard to independent claim 1, receiving a data stream (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device;

the data stream comprising a document structured by markup elements having attributes, included in an attributes of a markup element of the document, and retrieving the images, from the data processing system, (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server. It is noted that Conboy's image tag in a hypertext language code, having attributes, that specifying the image's location on the server, can reasonably interprets as, *"a document structured by markup elements having attributes,"* as claimed.

Conboy does not explicitly teach, **comprising an image group identifier, identifying a plurality of images, the image group identifier.** However, (see Khosla at col. 1, line 65 through col. 2, line 15), discloses a digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album). Also (see Khosla at col. 6, lines 15-30, also see Fig. 6 and 12a-b), discloses a set of album pages based upon the selected layout, wherein each album assigns a unique number to each slot on the ordered set of album pages (see example in fig 12-b illustrates bellows);

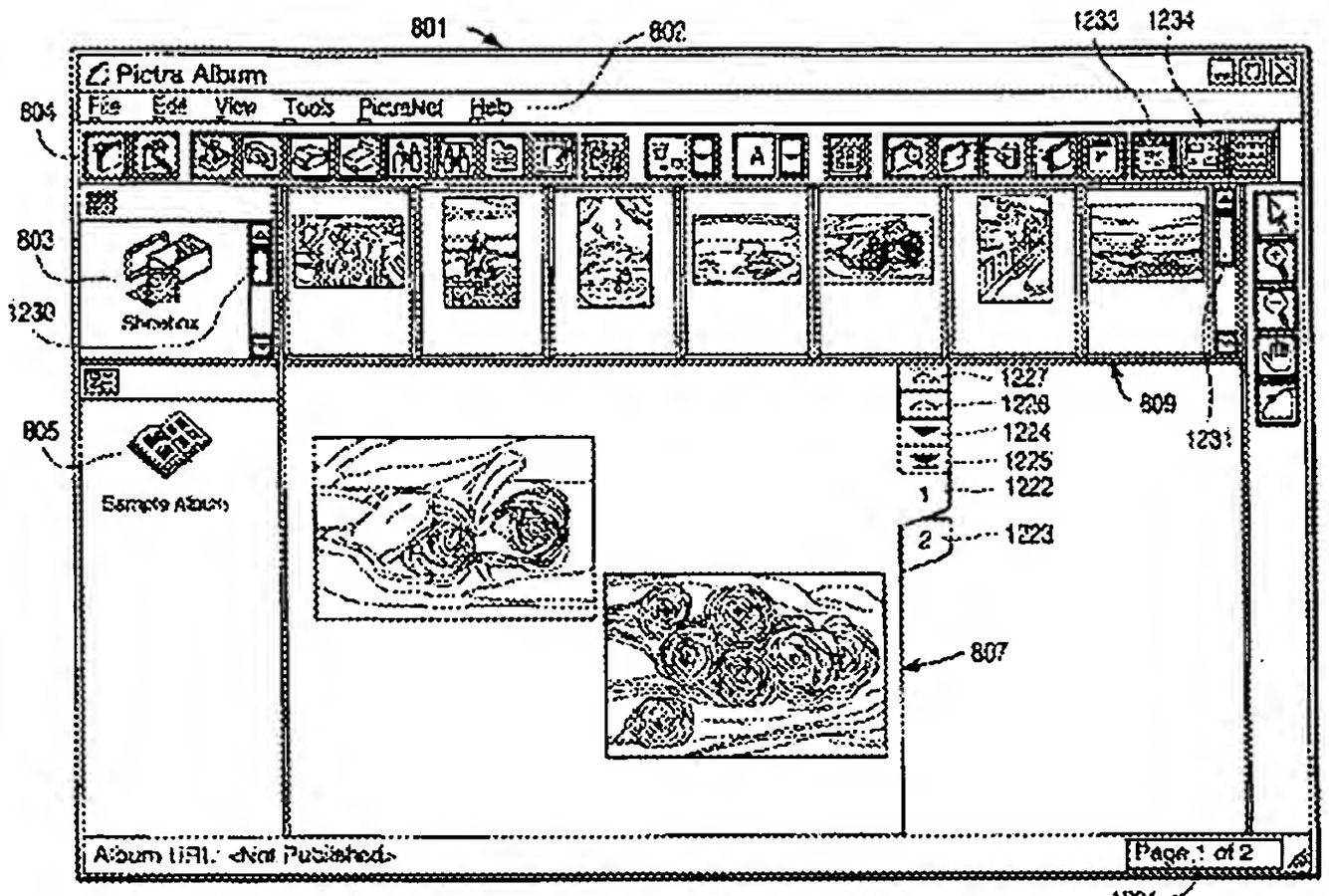

FIG. 12B

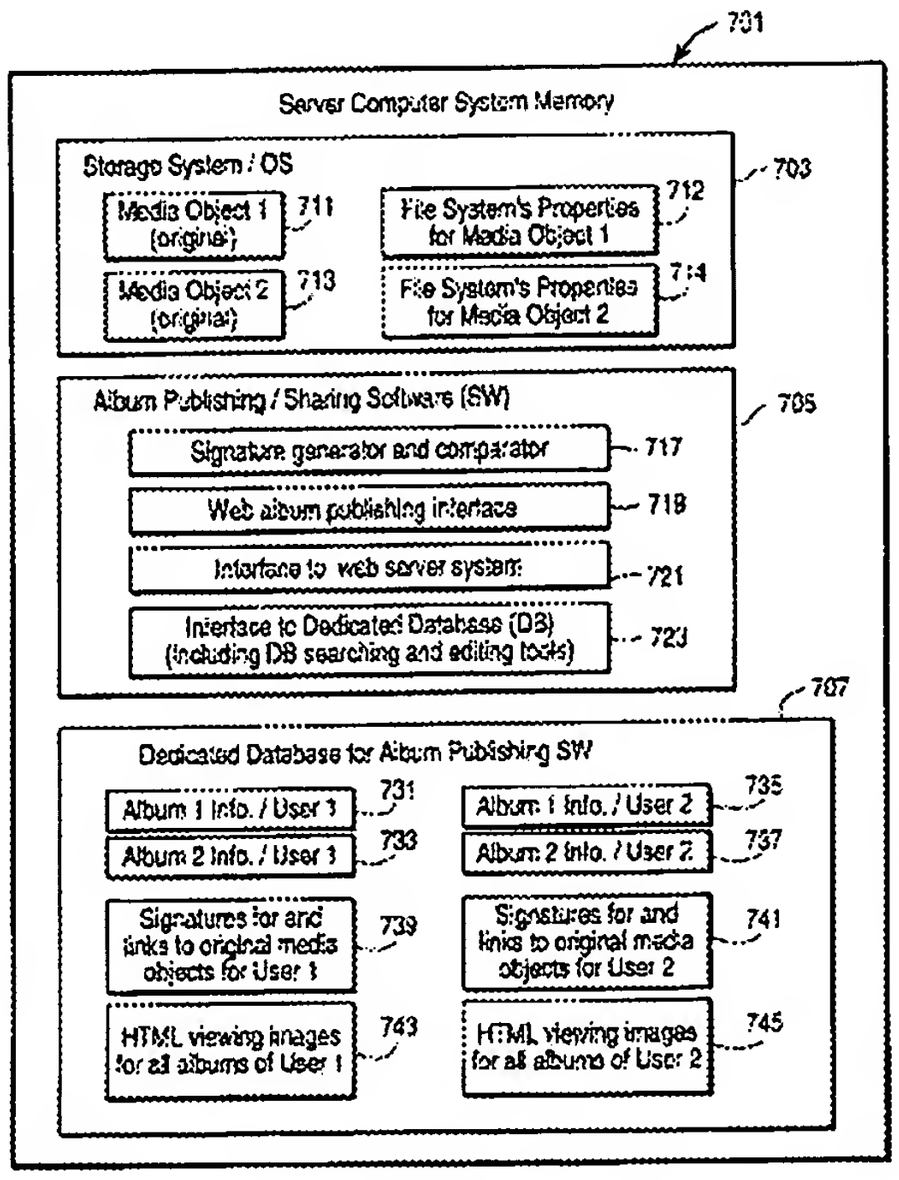

FIG. 7

As Show in Fig. 7 above the, the server file system includes the original, higher resolution media objects 1 and 2 shown as elements 711 and 713 (i.e. these elements are the

actual digital (or other) data of the media object stored on the server storage system and generating albums as a result of decoding the information specifying album to specific user (see Khosla at col. 9, lines 25-55).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Conboy and Khosla do not explicitly teach, **in response to receiving the image group identifier.** However (see Prarulski at page 8 paragraph [0087]), discloses the appropriate transferred images are displayed. The user can select a display of "all images", a display of "all favorite" images, or a display of a "selected group" of images. If the user selects the "display all" option, in block 130 the CPU motherboard 12 in the home computer 10 builds a request to retrieve all of the thumbnail images from the general assets table 600 in FIG. 8. In block 132 all of the image objects are retrieved, which includes the "favlevel" favorites level metadata 666. In block 134 all of the images are displayed in a way that

organizes them into groups, with icons indicating the favorite images in the collection of images.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Prarulski's method of transferred/ retrieved groups, images in the collection of images, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

In regard to independent claims 7, 12, 18, 23 and 29 incorporate substantially similar subject matter as cited in claim 1 above, and in further view of the following, and is similarly rejected along the same rationale,

the image identifier derived from an attribute of a markup element of a document on the client (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext

language code including the image tag for the location of a particular image location on the server. It is noted that Conboy's image tag in a hypertext language code, having attributes, that specifying the image's location on the server call from client, can reasonably interprets as, *"a document structured by markup elements having attributes,"* as claimed.

....a document on the client, server...client...storing images on a server...recorded on the recording medium... However, (see Prarulski at page 8 paragraph [0087]), discloses the appropriate transferred images are displayed. The user can select a display of "all images", a display of "all favorite" images, or a display of a "selected group" of images. If the user selects the "display all" option, in block 130 the CPU motherboard 12 in the home computer 10 builds a request to retrieve all of the thumbnail images from the general assets table 600 in FIG. 8. In block 132 all of the image objects are retrieved, which includes the "favlevel" favorites level metadata 666. In block 134 all of the images are displayed in a way that organizes them into groups, with icons indicating the favorite images in the collection of images. Also (see Prarulski at page 13 paragraph [0149]), discloses in block 182, the photo service provider 40 provides, via the Internet server 42, images and information to the home computer 10, which is displayed on the display monitor 14 as a computer user interface screen (GUI screen).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Prarulski's method of transferred/ retrieved groups, images in the collection of images, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65

through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

In regard to dependent claim 2 incorporate substantially similar subject matter as cited in claim 7 above, and is similarly rejected along the same rationale.

In regard to dependent claim 3, incorporate substantially similar subject matter as cited in claim 7 above, and in further view of the following, and is similarly rejected along the same rationale,

markup in the data stream (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code (i.e. markup data).

In regard to dependent claim 4, incorporate substantially similar subject matter as cited in claim 7 above, and in further view of the following, and is similarly rejected along the same rationale,

the data stream comprises a markup element that represents an instruction to retrieve (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an

image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server .

In regard to dependent claim 8, incorporate substantially similar subject matter as cited in claim 7 above, and in further view of the following, and is similarly rejected along the same rationale,

BLOB (see Prarulski at page 8 paragraph [0087]), discloses a data blob.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Prarulski's method of transferred/ retrieved groups, images in the collection of images (i.e. data blob), into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

In regard to dependent claim 9, incorporate substantially similar subject matter as cited in claim 7 above, and in further view of the following, and is similarly rejected along the same rationale,

storing a pathname for each file (see Prarulski at page 8 paragraph [0086]), discloses image path.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Prarulski's method of transferred/ retrieved groups, images in the collection of images (i.e. data blob) and image path, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages – see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

In regard to dependent claims 5, 6, 10, 13, 16, 20 and 21, incorporate substantially similar subject matter as cited in claim 7 above, and are similarly rejected along the same rationale.

In regard to dependent claim 11, incorporate substantially similar subject matter as cited in claim 4 above, and is similarly rejected along the same rationale.

In regard to dependent claims 14, 15, 17 and 22, incorporate substantially similar subject matter as cited in claims 4 and 7 above, and are similarly rejected along the same rationale.

In regard to dependent claim 19, incorporate substantially similar subject matter as cited in claim 8 above, and is similarly rejected along the same rationale.

In regard to dependent claims 24, 25, 26, 27, 28 and 33, incorporate substantially similar subject matter as cited in claims 4, 7 and 23 above, and are similarly rejected along the same rationale.

In regard to dependent claim 30, incorporate substantially similar subject matter as cited in claim 8 above, and is similarly rejected along the same rationale.

In regard to dependent claim 31, incorporate substantially similar subject matter as cited in claim 9 above, and is similarly rejected along the same rationale.

In regard to dependent claim 32, incorporate substantially similar subject matter as cited in claim 23 above, and is similarly rejected along the same rationale.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 8 AM to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A, Tran
Patent Examiner
Technology Center 2176
August 12, 2006

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER